

AMENDED

No. 59933

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. APR 12 1994

Returned to applicant for correction. JUL 18 1994

Corrected application filed. SEP 07 1994

Map filed. AUG 30 1994 Under 59916

The applicant. U.S. Fish and Wildlife Service

911 NE 11th Avenue, of Portland,
Street and No. or P.O. Box No. City or Town

Oregon 97232-4181, hereby make S application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Spring No. 162
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.15 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.

3. The water to be used for other use - wildlife purpose
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.

(b) Stockwater, state number and kinds of animals to be watered.

(c) Other use (describe fully under No. 12. "Remarks") wildlife

(d) Power:

(1) Horsepower developed.

(2) Point of return of water to stream.

5. The water is to be diverted from its source at the following point. NE $\frac{1}{4}$ SE $\frac{1}{4}$, S.22. T26N, R57E,
Describe as being within a 40-acre subdivision of public
N 0° 54' 4" E 3607 feet to NE corner S.22, T26N, R57E. M.D.B. & M.
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

6. Place of use within the boundaries of Ruby Lake National Wildlife Refuge.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

As shown on application map. Legal description attached.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Works are completed. They include a dike to maintain a spring pool from the combined flow of springs 162, 163 and 164 and one slide gate to control outflow to Ruby Lake.
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works completed.
10. Estimated time required to construct works completed
If well completed, describe works.
11. Estimated time required to complete the application of water to beneficial use completed.
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:
- See Attached.

Compared do/cm s/Paul A. Rauch
By U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

Protested _____

 _____OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed _____ cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before _____

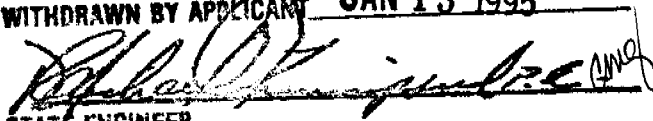
Proof of completion of work shall be filed before _____

Application of water to beneficial use shall be filed on or before _____

Proof of the application of water to beneficial use shall be filed on or before _____

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____ IN TESTIMONY WHEREOF, I, _____,
 State Engineer of Nevada, have hereunto set my hand and the seal of my
 Proof of beneficial use filed _____ office, this _____ day of _____,
 Cultural map filed _____ A.D. _____
 Certificate No. _____ Issued _____

WITHDRAWN BY APPLICANT JAN 13 1995

 STATE ENGINEER
 (O)-2145 (Rev. 9-89)

State Engineer

Item No. 12.

Water will be used to maintain a spring pool for Fish and Wildlife purposes. Water flowing out of the spring pool will enter Ruby Lake and support fish and wildlife habitat in the lake. A measure of the combined flow for springs 162, 163 and 164 can be made at the pool outlet. Individual flow measurements are not possible.

DISCLAIMER: By filing this application to appropriate waters of the state of Nevada, the U.S. Fish and Wildlife Service does not hereby waive any claim to federal reserved water rights or otherwise diminish or supplant any claims to water made in the adjudication of the waters of Ruby Valley, Elko, and White Pine Counties, State of Nevada (Matter of the Determination of the relative Rights in and to the Waters of Ruby Valley, Elko, and White Pine Counties, Nevada). Notice in this matter was filed on January 17, 1983. Nor should the filing of these applications by the U.S. Fish and Wildlife Service be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings that constitute a "suit" under the McCarran Amendment, 43 U.S.C. § 666.

LEGAL DESCRIPTION

RUBY LAKE NATIONAL WILDLIFE REFUGE

Mount Diablo Meridian

Township 25 North, Range 57 East,

Section 1, Lots 1, 2, 3, and 4;

EXCEPTING the South 50.0 feet of said lots;

Section 2, Lots 1, 2, 3, 4, and 5, NW1/4 SW1/4;

Section 3, Lot 1, SE1/4 NE1/4, NE1/4 SE1/4;

and all unsurveyed lands in the bed of Ruby Lake within Township 25 North, Range 57 East, Mount Diablo Meridian.

Township 26 North, Range 57 East,

Section 1, Lots 1, 2, 3, 4, and 5, SW1/4 NE1/4, NW1/4 SE1/4;

Section 11, NE1/4 SE1/4, S1/2 SE1/4;

Section 12, Lots 1, 2, 3, and 4, NW1/4, NW1/4 SW1/4;

Section 13, Lot 1;

Section 14, Lots 1, 2, 3, and 4, NW1/4 NE1/4, NW1/4 SW1/4;

Section 22, SE1/4 SE1/4;

Section 23, Lots 1, 2, 3, and 4;

Section 26, Lots 1, 2, 3, and 4;

Section 27, E1/2 E1/2;

Section 34, Lots 1, 2, and 3, W1/2 E1/2, SE1/4 SE1/4;

Section 35, Lots 1, 2, and 3;

and all unsurveyed lands in the bed of Ruby Lake within Township 26 North, Range 57 East, Mount Diablo Meridian.

Township 27 North, Range 57 East,

Section 24, SE1/4;

Section 25, Lot 2, E1/2 NE1/4, SE1/4 SE1/4; and

Section 36, NE 1/4 NE1/4, SE1/4 SE1/4.

Township 25 North, Range 58 East,

Section 6, Lots 1, 2, 3, and 4.

and all unsurveyed lands in the bed of Ruby Lake within Township 25 North, Range 58 East, Mount Diablo Meridian.

Township 26 North, Range 58 East,

Section 4, Lots 3 and 4, S1/2 NW1/4, SW1/4;

Section 5, Lots 1, 2, 3, and 4;

Section 6, Lot 1;

Section 8, Lots 1, 2, 3, and 4;

Section 9, W1/2;

Section 16, W1/2;

Section 17, Lots 1, 2, 3, and 4;

Section 20, Lots 1, 2, 3, and 4;

Section 21, W1/2;

Section 28, W1/2;

Section 29, Lots 1, 2, 3, and 4;

Section 31, Lot 1;

Section 32, Lots 1, 2, and 3, NE1/4 NE1/4, S1/2 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;

Section 33, W1/2;

and including all unsurveyed lands in the bed of Ruby Lake within Township 26 North, Range 58 East, Mount Diablo Meridian.

Township 27 North, Range 58 East,

Section 2, Lots 3 and 4, SW1/4 NW1/4;
 Section 3, Lots 1, 2, 3, and 4, SE1/4 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;
 Section 4, Lot 1;
 Section 5, Lots 2, 3, 4, 5, and 6, SW1/4 NW1/4;
 Section 6, Lots 1, 4, 5, 6, 7, and 8, SE1/4 NE1/4, SE1/4 NW1/4, E1/2 SW1/4, N1/2 SE1/4, SW1/4 SE1/4;
 Section 7, Lots 1, 2, 3, 4, 5, 6, 7, and 8, NE1/4 NW1/4;
 Section 9, Lots 1, 2, 3, and 4, E1/2 NE1/4, SE1/4 SE1/4;
 Section 10, NW1/4 NW1/4, S1/2 NW1/4, S1/2 SW1/4;
 Section 15, W1/2;
 Section 16, Lots 1, 2, 3, and 4, SE1/4 SE1/4;
 Section 18, Lots 1, 2, 3, 4, 5, 6, 7, and 8;
 Section 19, Lots 1, 2, 3, 4, 5, 6, and 7, NE1/4 NW1/4;
 Section 21, Lots 1, 2, 3, and 4, E1/2 E1/2;
 Section 22, W1/2;
 Section 27, W1/2;
 Section 28, Lots 1, 2, 3, 4, and 5, NE1/4 NE1/4, S1/2 NE1/4, SE1/4;
 Section 30, Lots 1, 2, 3, and 4;
 Section 31, Lots 1, 2, 3, 4, 5, and 6;
 Section 32, Lots 1, 2, 3, and 4;
 Section 33, Lot 1, NE1/4, NE1/4 NW1/4, S1/2 NW1/4, S1/2;
 and including all unsurveyed lands in the bed of Ruby Lake within Township 27 North, Range 58 East, Mount Diablo Meridian.

The following described lands in Township 27 North, Range 58 East, Mount Diablo Meridian, are withdrawn from the public domain under the primary jurisdiction of the Bureau of Land Management as Public Water Reserves. These lands are also within the Executive Order boundary of the Ruby Lake National Wildlife Refuge and are under the secondary jurisdiction of the U.S. Fish and Wildlife Service:

Section 2, SW1/4 NW1/4;
 Section 10, SW1/4 NW1/4; and
 Section 21, SE1/4 NE1/4.

Township 28 North, Range 58 East,

Section 20, Lot 1 and that part of Lot 2 lying East of a line 10 chains (660.0 feet) East of and parallel to the North-South centerline of Section 20, E1/2 NE1/4;
 Section 21, Lots 1, 2, 3 and 4, N1/2 N1/2;
 Section 22, Lots 1, 2, 3, and 4, NE1/4, N1/2 NW1/4;
 Section 23, Lots 1 and 2, N1/2 SW1/4, SE1/4;
 Section 26, Lots 1, 2, 3, and 4, E1/2 E1/2;
 Section 29, those part of Lots 1, 2, 3, and 4 lying East of a line 10 chains (660.0 feet) East of and parallel to the North-South centerline of Section 29;
 Section 32, Lots 1, 2, 3, and 4;
 Section 34, Lot 1;
 Section 35, Lots 1, 2, and 3, NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;
 and including all unsurveyed lands in the bed of Ruby Lake within Township 28 North, Range 58 East, Mount Diablo Meridian.